

REMARKS

Favorable reconsideration of this application is respectfully requested.

Initially with respect to the above-noted rejections, and as discussed in further detail below, applicants respectfully submit certain grounds for the rejection are not clear. The outstanding rejections now appear to cite Narasimhalu as a primary reference, but for example with respect to each of independent claims 9 and 10 the outstanding rejection does not appear to cite Narasimhalu at all but only cites Ogino, essentially repeating the grounds for citing Ogino as in the previous Office Action. Clarification of the rejection particularly to claims 9 and 10 is requested.

Claims 1-12 are pending in this application. Claims 9 and 11 were rejected under 35 U.S.C. § 112, second paragraph. Claim 3 was rejected under 35 U.S.C. § 112, second paragraph. Claims 1-10 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 5,412,718 to Narasimhalu et al. (herein "Narasimhalu") in view of U.S. patent 7,031,942 to Ogino et al. (herein "Ogino").¹ Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Narasimhalu in view of Ogino as applied to claims 1-10, and further in view of U.S. patent 7,302,575 to Hars. The above-noted rejections are traversed by the present response as discussed next.

Addressing first the rejection of claims 9 and 11 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response. Applicants respectfully submit claim 9 and 11 as written are proper under 35 U.S.C. § 112, second paragraph.

Claims 9 and 11 were noted as "replete with functional or operational language such as 'agreement or disagreement of said combinations ...'".

¹ The statement for the rejection in paragraph 8 of the Office Action appears to include a typographical error in referring to claims 1-12, whereas it appears only claims 1-10 were part of the rejection as claims 11 and 12 were rejected under a different basis. Clarification is requested.

Applicants first ask for clarification for that rejection as the grounds of rejection only indicates one phrase in claims 9 and 11 that is apparently unclear. Also, the outstanding Office Action does not indicate any clear basis that even the noted phrase “agreement or disagreement of said combinations ...” is unclear. In that respect applicants note that phrase in claim 9 in context recites “**determining** agreement or disagreement of said combinations of medium identifying information and apparatus identifying information” (emphasis added). Applicants submit it is clear that an operation of “determining” agreement or disagreement between two pieces of information is an operation performed by a specific device, and is not merely “functional operational language.” Applicants submit that when reading the claims 9 and 11 in their entirety it is clear the terms recited therein are directed to specific structural elements in those claims. Thereby, applicants respectfully submit claims 9 and 11 are proper under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of claim 3 under 35 U.S.C. § 112, second paragraph, claim 3 is herein amended to clarify the language therein, and the presently submitted amendments to claim 3 are believed to address the rejection thereto under 35 U.S.C. § 112, second paragraph.

Addressing now the above-noted prior art rejections, those rejections are traversed by the present response as applicants submit the claims positively recite features neither taught nor suggested by the applied art.

Applicants particularly respectfully submit the outstanding rejection has not properly or fully considered certain claim features, and particularly as recited in independent claim 1:

copying-related combination information **transmitting**
means for transmitting said medium identifying information
and said apparatus identifying information **to said copying**
management device as copying-related combination
information at the time of copying said contents[.] [Emphasis
added.]

Independent claim 9 recites:

copying authorizing information *transmitting* means for transmitting said copying authorizing information *to said contents copying apparatus*[.] [Emphasis added.]

Independent claim 10 recites:

a copying authorizing information *transmitting* step of transmitting said copying authorizing information *to said contents copying apparatus*[.] [Emphasis added.]

Independent claim 11 recites:

a copying-related combination information *transmitting* means for transmitting said medium identifying information and said apparatus identifying information *to a copying management device connected to it by way of a network* as copying-related combination information at the time of copying said contents[.] [Emphasis added.]

Independent claim 12 recites:

a copy-related combination information *transmitting* step of transmitting said medium identifying information and said apparatus identifying information *to a copying management device connected to it by way of a network* as copying-related combination information at the time of copying said contents[.] [Emphasis added.]

Applicants submit the applied art to Narasimhalu nor Ogino nor Hars disclose or suggest such specific “transmitting” means or operations.

With respect to the “copying-related combination information transmitting means” as recited in claim 1 the outstanding office action specifically cites Narasimhalu at “(Fig. 6A, step 80 and 90 resulting in step 100).”²

In reply to that grounds for the rejection applicants submit the cited disclosure in Fig. 6A in Narasimhalu is not at all even related to the claimed features. In Fig. 6A Narasimhalu discloses in step 80 deriving a signature for a storage medium, in step 90 reading a storage medium identification, and in step 100 generating a key for encrypting that information from

² Office Action of December 31, 2008, page 4, second paragraph.

steps 80 and 90. However, Narasimhalu does not disclose or suggest “transmitting” both the medium identifying information and the apparatus identifying information “to said copy management device,” which is connected by a network. Narasimhalu appears to disclose the operation 100 of generating the key for encryption using EKGp is performed in the same copying apparatus, and **not** in a copy management device connected thereto by a network. Thereby, Narasimhalu does not disclose or suggest and would not utilize any type of device for “transmitting” the medium identification information and apparatus identifying information to another copy management device connected thereto by a network.

In such ways, applicants respectfully submit independent claim 1 clearly distinguishes over Narasimhalu.

With respect to the “copy authorizing information transmitting means for transmitting said copying authorizing information to said contents copying apparatus” as recited in claim 9, the outstanding Office Action cites Ogino at column 1, lines 41-53 and column 3, lines 21-37.³ Independent claim 10 was rejected on a similar basis.

In reply to that grounds for the rejection applicants first note the entire grounds for the outstanding rejection is unclear as that rejection to claims 9 and 10 appears to only cite Ogino as in the previous Office Action, and it is unclear on what basis the outstanding rejection is combining Narasimhalu in view of Ogino. In the Office Action with respect to each of claims 9 and 10 the outstanding Office Action appears to merely repeat the rejection from the previous Office Action, which only cited Ogino, and thus the entire basis for the rejection of claims 9 and 10 is unclear. Clarification is requested.

Moreover, applicants respectfully submit neither Narasimhalu for the reasons noted above nor Ogino for the reasons noted in the previous reply disclose or suggest such a transmitting device or operation as recited in independent claims 9 and 10.

³ Office Action of December 31, 2008, the paragraph bridging pages 11 and 12.

With respect to claims 11 and 12 the outstanding Office Action recognizes “neither Narasimhalu nor Ogino expressly mention a transmission over a network,” and the outstanding rejection cites item 22 in Fig. 1 of Hars for that disclosure.⁴ In reply to that grounds for the reaction applicants note in Hars item 22 in Fig. 1 is noted as a digital media content source, which for example can be the Internet. Such a disclosure in Hars is, however, unrelated to the features of independent claims 11 and 12.

In independent claims 11 and 12 as currently written, the information transmitted across a network is information of a medium identify information and an apparatus identifying information, and that data is transmitted to a copying management device by a network. **Receiving** content via the internet as in Hars is unrelated to transmitting such data over a network, and thus no disclosures in Hars cure the recognized deficiencies of Narasimhalu and Ogino with respect to the above-noted claim features. Thereby, applicants respectfully submit claims 11 and 12 also distinguish over the applied art.

In view of the foregoing comments, applicants respectfully submit the claims as currently written are proper under 35 U.S.C. § 112, second paragraph, and distinguish over the applied art.

⁴ Office Action of December 31, 2008, for example page 15, first paragraph.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

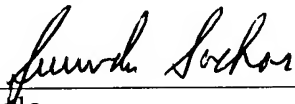
Respectfully submitted,

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